



City of Stuart

AGENDA

**REGULAR MEETING OF THE STUART CITY COMMISSION
SEPTEMBER 12, 2022
AT 4:00 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

CITY COMMISSION

**Mayor Troy McDonald
Commissioner Becky Bruner
Commissioner Eula R. Clarke
Commissioner Christopher Collins
Commissioner Campbell Rich**

ADMINISTRATIVE

**City Manager, David Dyess
City Attorney, Michael J. Mortell
City Clerk, Mary R. Kindel**

Agenda items are available on our website at <http://www.cityofstuart.us>
Phone: (772) 288-5306. Fax: (772) 288-5305. E-mail: mkindel@ci.stuart.fl.us

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation to attend this meeting should contact the City's ADA coordinator at 772-288-5306 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

(RC) next to an item denotes there is a City Code requirement for a Roll Call vote.
(QJ) next to an item denotes that it is a quasi-judicial matter or public hearing.

WHAT IS CIVILITY? Civility is caring about one's identity, needs and beliefs without degrading someone else's in the process. Civility is more than merely being polite. Civility requires staying "present" even with those persons with whom we have deep-rooted and perhaps strong disagreements. It is about constantly being open to hear, learn, teach and change. It seeks common ground as a beginning point for dialogue. It is patience, grace, and strength of character. Civility is practiced in our City Hall.

PUBLIC COMMENT: If a member of the public wishes to comment upon ANY subject matter, including quasi-judicial matters, please submit a Request to Speak form. These forms are available in the back of the Commission Chambers, and should be given to the City Clerk prior to introduction of the item number you would like to address.

CONSENT CALENDAR: Those matters included under the Consent Calendar are self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by one motion. If discussion on an item is desired by any City Commissioner that item may be removed by a City Commissioner from the Consent Calendar and considered separately. If an item is quasi-judicial it may be removed by a Commissioner or any member of the public from the Consent Calendar and considered separately.

QUASI-JUDICIAL HEARINGS: Some of the matters on the Agenda may be "quasi-judicial" in nature. City Commissioners will disclose all ex-parte communications, and may be subject to voir dire by any interested party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment without being sworn. Unsworn testimony will be given appropriate weight and credibility by the City Commission.

ROLL CALL

PLEDGE OF ALLEGIANCE

1. OATH OF OFFICE - GROUP I, CAMPBELL RICH, GROUP II, CHRISTOPHER COLLINS AND GROUP V, EULA R. CLARKE.

PROCLAMATIONS

2. HUNGER ACTION MONTH - SEPTEMBER 2022
3. CONSTITUTION WEEK - SEPTEMBER 17-23, 2022
4. SUICIDE PREVENTION AWARENESS MONTH - SEPTEMBER 2022
5. SUICIDE PREVENTION AWARENESS MONTH (2-1-1 HELPLINE) - SEPTEMBER 2022
6. DECLARING MARTIN BEAUTIFUL INTERNATIONAL COASTAL CLEANUP DAY IN STUART, FLORIDA

PRESENTATIONS

7. VOLUNTEERS IN MEDICINE BY KIMBERLY OUELLETTE, MSW AND LISA BAXTER.
8. CITY GRANTS OVERVIEW - FUNDS APPLIED FOR AND RECEIVED
9. UPDATE ON SW OSCEOLA STREET PHASE 2 UNDERGROUNDING
10. BRIEF HISTORY OF THE KANNER LLC APPROVAL PROCESS.

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

CONSENT CALENDAR

11. APPROVAL OF 08/22/2022 CCM MINUTES (RC)
12. SR-5/US-1 SE CONTRACTORS WAY TO N. JENSEN BEACH BLVD - FDOT AGREEMENT (RC):

RESOLUTION No. 72-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT (AT UTILITY EXPENSE) FOR THE ADJUSTMENT OF CITY OF STUART'S UTILITY FACILITIES FOR THE SR-5/US-1 FROM SE CONTRACTORS WAY TO N. JENSEN BEACH BLVD. PROJECT; DESIGNATING AUTHORIZED REPRESENTATIVE; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

13. OFFICIAL RESULTS OF THE 2022 PRIMARY ELECTION (RC):

RESOLUTION No. 75-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA CONFIRMING THE RESULTS OF THE 2022 REGULAR PRIMARY MUNICIPAL ELECTION FOR THE CITY COMMISSION GROUP I, GROUP III, AND GROUP V; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

COMMISSION ACTION

14. THIS ITEM SET FOR TIME CERTAIN OF 5:15 PM - TENTATIVE MILLAGE FOR FY 2023 (RC):

RESOLUTION No. 79-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING THE TENTATIVE MILLAGE RATE FOR FISCAL YEAR 2023; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

15. THIS ITEM SET FOR TIME CERTAIN OF 5:15 PM - FIRE ASSESSMENT FOR FY 2023 (RC):

RESOLUTION No. 80-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING THE FISCAL YEAR 2022-23 NON-AD VALOREM ASSESSMENT ROLL FOR FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS; DIRECTING CERTIFICATION OF THE ASSESSMENT ROLL TO THE MARTIN COUNTY TAX COLLECTOR; AND PROVIDING AN EFFECTIVE DATE.

16. THIS ITEM SET FOR TIME CERTAIN OF 5:15 PM - TENTATIVE BUDGET FOR FY 2023 (RC):

RESOLUTION No. 81-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING THE TENTATIVE BUDGETS OF THE CITY OF STUART, FLORIDA, FOR FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

17. SOUTH FLORIDA PAIN MANAGEMENT, LLC CONDITIONAL USE (RC):

RESOLUTION No. 74-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, CONSIDERING CONDITIONAL USE APPROVAL TO SOUTH FLORIDA PAIN MANAGEMENT, LLC (TENANT) FOR THE PROPERTY LOCATED AT 715 SE 5TH STREET, CONSISTING OF APPROXIMATELY 0.28 ACRES; TO ALLOW THE USE OF A PAIN MANAGEMENT CLINIC; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

18. DOGSWORLD URBAN CODE CONDITIONAL USE (QUASI-JUDICIAL)(RC):

RESOLUTION No. 73-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, CONSIDERING A MAJOR URBAN CODE CONDITIONAL USE APPROVAL TO JUSTIN PHILLIPS, (CONTRACT PURCHASER) FOR THE PROPERTY LOCATED AT 400 SW 7TH STREET, CONSISTING OF APPROXIMATELY 1.62 ACRES; TO ALLOW THE USE OF KENNELS FOR DOGSWORLD; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF DEVELOPMENT; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

ORDINANCE SECOND READING

19. REPEAL & REESTABLISH CHAPTER 36, ARTICLE V, CODE OF ORDINANCES (RC):

ORDINANCE No. 2488-2022; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REPEALING AND REESTABLISHING CHAPTER 36, ARTICLE V, COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS OF WAY, OF THE CITY OF STUART CODE OF ORDINANCES; PROVIDING INTENT AND PURPOSE, APPLICABILITY AND AUTHORITY TO IMPLEMENT; PROVIDING DEFINITIONS; PROVIDING FOR NOTICE OF TRANSFER, SALE, OR ASSIGNMENT OF ASSETS; PROVIDING FOR REGISTRATION FOR PLACING OR MAINTAINING COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING THE REQUIREMENT OF A PERMIT; PROVIDING FOR APPLICATION REQUIREMENTS AND REVIEW PROCEDURES; PROVIDING FOR CONSTRUCTION METHODS FOR PLACING OR MAINTAINING FACILITIES IN PUBLIC RIGHTS-OF-WAY; PROVIDING DEVELOPMENT AND OBJECTIVE DESIGN STANDARDS; PROVIDING FOR INSURANCE AND INDEMNIFICATION; PROVIDING FOR FEES AND TAXES; PROVIDING FOR A RESERVATION OF RIGHTS AND REMEDIES; PROVIDING ENFORCEMENT AUTHORITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITIES; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE FIRST READING

DISCUSSION AND DELIBERATION

ADJOURNMENT